

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Criminal No. 06-3947 (PAM/JSM)

Petitioner,

v.

ORDER

Roger Dean Tom,

Respondent.

This matter is before the Court on Respondent Roger Dean Tom's ("Tom") June 18, 2008, Motion for Immediate Release. Tom remains detained at the Federal Medical Center in Rochester, Minnesota, even though on June 9, 2008, the Court denied the Government's Motion to Stay enforcement of the Court's May 23, 2008, Order that found 18 U.S.C. § 4248 unconstitutional and ordered Tom's release.

In response, the Government notes that it filed an appeal with the Eighth Circuit Court of Appeals on June 18, 2008. In addition, the Government has asked the appellate court for an emergency stay.

The Government further avers that the Bureau of Prisons and the Probation Office in the District of Utah are coordinating on appropriate conditions for Tom's supervised release. According to the Government, Tom received a proposed Waiver of Right to Hearing Prior to Modification of Conditions of Supervision on June 17, 2008. In part, this waiver provides that upon his release Tom would reside in a residential reentry center and participate in community monitoring for 180 days.

The Court remains gravely concerned with the months of delays that have

compounded the issues in this matter. The record strongly reflects that Tom's period of supervised release should have begun more than 20 months ago. However, it appears that steps finally are actively being taken to effectuate the supervised release in the District of Utah. Under these circumstances, **IT IS HEREBY ORDERED** that:

1. Respondent Roger Dean Tom's Motion for Immediate Release (Docket No. 49) is **DENIED without prejudice**; and
2. On or before 3:00 p.m. on June 27, 2008, counsel for Petitioner and Respondent shall make filings advising the Court as to the status of Tom's supervised release.

Dated: June 19, 2008

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge